



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
SARAH LEWIS, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2017-14
Date: March 28, 2017
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 54-56 Clarendon Avenue

Applicant/Owner Name: KSHR Properties, LLC
Applicant/Owner Address: 187 Green Street, Jamaica Plain, MA 02130
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Katjana Ballantyne

Legal Notice: Applicant and Owner, KSHR Properties, LLC, seek a Special Permit under SZO §4.4.1 to make alterations to windows within the nonconforming side yard setbacks. RB Zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – April 5, 2017

I. PROJECT DESCRIPTION

1. Subject Property: The locus currently contains an approximately 3,869 square foot parcel that consists of a three-family dwelling structure. The structure is three-stories and has a flat roof. The basement of the structure is currently used as storage and mechanical space and each floor contains a two-bedroom dwelling unit. There is a three-story enclosed porch on the rear of the structure.
2. Proposal: The proposal is to convert the three-story enclosed porch into a three-story open porch and finish a portion of the basement to create additional living space. As a result of the proposal Unit 1 will occupy the basement and the first floor and will contain three bedrooms. Units 2 and 3 will occupy the second and third floor respectively and will each contain two bedrooms. The Applicant is also proposing to enlarge basement windows within the required left side yard setback and remove and replace a window within the required right side yard setback. The Applicant also proposes some site work that

will include removing a stair within the left side yard, creating a light well within the left side yard, removing/creating new retaining walls within the rear yard to create two new permeable paver parking spaces, and a new strip of landscaping within the right side yard adjacent to the driveway.

3. Green Building Practices: The proposed alterations will not exceed the stretch code.

4. Comments:

Ward Alderman: Alderman Ballantyne has expressed her support for this proposal.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied:

The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, lot area per dwelling unit, left and right side yard setbacks, street frontage, and number of parking spaces.

The proposal will make alterations within the left and right side yard setbacks. The current dimensions are 8.6 feet and 5.8 feet respectively and the requirement in the district for a three-family structure is 10 feet. However, due to the narrowness of the lot a 1 inch reduction is allowed for each foot that the lot is less than 50 feet wide for each required side yard setback; therefore, with a 40 wide lot the required side yard setback is 9' 2" for each side yard. The proposal is to enlarge basement windows within the left side yard as well as removing one window and removing and replacing another window within the right side yard. These alteration to a nonconforming structure require the Applicant to obtain a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for ground coverage,

landscaped area, pervious area, floor area ratio, building height, front, and rear yard setback will become or continue to be conforming to the requirements of the SZO.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RB district, which is, "to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

Surrounding Neighborhood: The locus is located on the eastern side of Clarendon Street south of Teele Square. The surrounding neighborhood is comprised of single, two-, and three-family dwellings.

Impacts of Proposal (Design and Compatibility): The proposed alterations are designed to be compatible with the rest of the structure and the neighborhood.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Parking Spaces:</i>	1	2

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the renovations of the left and right elevation, rear porches, basement living area, and site work. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Pln g.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>February 23, 2017</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>January 20, 2017</td><td>Plans submitted to OSPCD (A-000, A-020, A-100, A-101, A-300, and A-301)</td></tr></table>				Date (Stamp Date)	Submission	February 23, 2017	Initial application submitted to the City Clerk’s Office	January 20, 2017	Plans submitted to OSPCD (A-000, A-020, A-100, A-101, A-300, and A-301)
	Date (Stamp Date)				Submission					
	February 23, 2017				Initial application submitted to the City Clerk’s Office					
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Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Design										
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.							
6	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector							
Site										

7	Landscaping shall be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
8	The Applicant shall construct the existing parking space within the front yard of pervious permeable pavers.	CO	Plng. / ISD	
9	Applicant shall submit a detailed landscaping plan to Planning Staff for review and approval.	BP	Plng. / ISD	
10	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
11	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
12	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
Final Sign-Off				
13	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

